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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,841	08/23/1999	Britta Daume	6887	9106

7590 02/13/2002

Shlesinger Arkwright & Garvey LLP  
3000 South Eads Street  
Arlington, VA 22202

EXAMINER
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LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/491,841**

Applicant(s)  
**Daume**

Examiner  
**Renee S. Luebke**

Art Unit  
**2833**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 23, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30, and 39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30, and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 20) ☐ Other:

1. The request filed on January 23, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/491841 is acceptable and a CPA has been established. An action on the CPA follows.
2. The substitute specification filed November 23, 2001 has been entered, as requested.
3. In view of the explanation of the German references in Applicant's remarks of November 23, 2001, the German documents listed in the information disclosure statement filed February 11, 2000 have been considered. A copy of the IDS is inclosed.
4. The abstract submitted January 23, 2002 has been entered. It is noted that the examiner has changed the first word from "An" to -A- for grammatical reasons.
5. The disclosure remains objected to because the meaning of "standing back" on page 19, line 18 is unclear. Appropriate corrections are required.
6. Claims 8 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Contrary to claim 8, the base cannot be a "plate-shaped contact element." A plate shape does not have an interior and an exterior side as required of the base in the claim.

Claim 39 is grammatically incorrect and appears to be missing text (in particular, see lines 2 and 5).

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 3, 7, 8, 16-18, 22-25, 29 and 39 remain rejected under 35 U.S.C. 102(b) as being anticipated by Cauderay, et al. (EPO 0 744 788 A1). This device (see Figs. 6 and 7) comprises a base structure 10, sealing lips 11, 12, and a band shaped, electrically conducting contact element 4 including a contact protrusion 9. Applicant argues that the contact protrusion is not unitary. However, portions that are glued or welded (which, as stated by applicant is the case in the Cauderay device) are securely attached and form a single part, or are unitary.

In regard to claims 3 and 8, as shown in Fig. 6, the band-shaped contact protrusion is metallic. Since the base structure is shown in an open position in Fig. 6 and is required to have a smaller radius to fit the base, it is inherently flexible as required by claim 7. In regard to claims 24 and 25, the base structure 10 is required to flex and then opens again to the position in Fig. 6 and is therefore seen to be elastic; further, it coats the outer side of the contact element 9.

9. Claims 11, 13, 14, 20, and 30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay in view of Tinnerman '627. The contact protrusion of Cauderay is not elastic, etc. However, Tinnerman teaches the use of a contact element 10 comprising elastic projections 18 that better contact the base 21. This arrangement achieves better electrical contact on an encircling member that is intended to contact a cylindrical member. For this reason, it would have been obvious to use the contact element of Tinnerman in place of the contact element 9 of Cauderay. In regard to claim 30, Cauderay is silent about how the screws are held to the bracket. However, Tinnerman teaches the use of a threaded bracket thereby reducing the number of

required parts. Therefore, it would have been obvious to use a threaded hole on the bracket or Cauderay as taught by Tinnerman.

10. Claim 26 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay. The material of the part 10 is not clear. However, it would have been obvious to form it of a thermoplastic material in view of the large number of electrical devices that use thermoplastic materials where conductivity is not required.

**11. Any response to this action may be mailed to:**

Assistant Commissioner for Patents  
Washington, DC 20231

**or faxed to:**

(703) 308-7722 or 308-7724 or 308-7328  
(informal or draft communications should be clearly labeled "PROPOSED"  
or "DRAFT")

**Hand-delivered responses should be brought to:**

Crystal Plaza 4, Fourth Floor (Receptionist)  
2201 South Clark Place, Arlington, Virginia.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke  
Primary Patent Examiner  
February 11, 2002